IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Crl.Rev.Pet.No. 1483 of 2007()

CRA.394/2004 of ADDL. SESSIONS COURT (ADHOC) III, PALAKKAD
ST.122/1999 of CHIEF JUDICIAL MAGISTRATE COURT, PALAKKAD

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REVN. PETITIONER: ACCUSED 1 AND 2

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1. M/S.GEETHA MEDICALS, OPPOSITE HEAD POST OFFICE, PALAKKAD-1.

2. REMADEVI, WIFE OF P.JAYAMOHAN, MANAGING PARTNER, M/S.GEETHA MEDICALS OPPOSITE HEAD POST OFFICE, PALAKKAD-1.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS: COMPLAINANT AND STATE

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1. K.B.VISHNUDAS, SON OF LATE BALAGUPTHAN, DOOR NO.29/148, SIVAJI ROAD, MOOTHANTHARA, PALAKKAD.

2. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.BREEZE M.S.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

CRL.R.P.No.1483 of 2007

Dated this the 4th day of April, 2007

O R D E R

The revision petitioners stand convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced as follows: the first accused to pay fine of Rs.1,000/-, the second accused to pay fine of Rs.85,000/- and in default, to undergo simple imprisonment for three months. The fine amount, if realised is to be paid to the complainant as compensation vide Section 357(i)(b) of the Code of Criminal Procedure.

2. The counsel for the revision petitioners has only sought for time to make the payment. It is the contention of the revision petitioners that it was the third accused, the husband of the second accused who was managing the first accused firm and that he mismanaged and absconded later. The revision petitioner was not at all involved in the transaction. In view of the evidence adduced in the matter, which is one sided, I find that there is no scope for interference.

3. All the same, considering the plea of the counsel for the revision petitioners, revision petitioners are granted six months' time from today onwards to pay the amount of compensation. The second revision petitioner shall appear before the Chief Judicial Magistrate Court, Palakkad on 4.10.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl